

Chief Judge Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWARD GARCIA,

Defendant.

NO. CRO3-125L

ORDER CONTINUING TRIAL DATE

ORDER

The Court having reviewed the records and files herein and considered the stipulation of the parties, enters the following order:

1. Defense counsel has a conflict with the current trial date.
2. Defense has recently received information about new witnesses and will need time to evaluate the newly received information and decide whether to file additional pretrial motions as well as prepare to respond to this information at trial.
3. The defendant has no objection to the continuance and will file a waiver of speedy trial no later than November 25, 2005.
4. The ends of justice outweigh the best interest of the public and the defendant in a speedy trial. That failure to grant a continuance based upon the circumstances would result in a miscarriage of justice in that both government and defense counsel would not have adequate time to prepare the matter for trial. The continuance provides each counsel a reasonable amount of time necessary for effective

1 preparation, taking into account the exercise of diligence. The continuance also allows
2 for continuity of counsel for the defendant.

3 5. The parties have requested and stipulated to a continuance.

4 IT IS HEREBY ORDERED that the trial date is continued from November 28,
5 2005 to January 23, 2006.

6 IT IS FURTHER ORDERED that pursuant to Title 18, United States Code,
7 Section 3161(h), the period of time from the date of this order to the new trial date is
8 excluded in the computation of time under the Speedy Trial Act.

9 DONE this 21st day of November, 2005.

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11 Robert S. Lasnik
12 United States District Judge

13 Presented by:

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